

Z-48  
(2011)

REZONING PLAN  
ZOE'S KITCHEN  
AKERS MILL SHOPPING  
LAND LOT 8-44, 17TH EASTING, 2ND SECTION, CRRB COVA



For The Price  
of Your Peace & Assurance, Do  
DATE: 10-4-2011  
SCALE: 1"-20'  
BY: 110288 CP  
BY: DONCEPT PUA  
BY: 110288  
BY: 209-E-051  
Sheet No. 013

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**LOCATION MAP**  
Plot the ground / plot, ground, etc.

**OWNER/DEVELOPER**

US 41 AND 1285 CO-100  
804 MADISON AVENUE, 17TH FLOOR  
NEW YORK CITY, NEW YORK, 10017  
212-935-1330  
IN NEW EMERGENCY CONTACT  
MR. JOSEPH KOPOLO  
832-750-9187  
TAX PARCEL ID: 17-948-50

SITE AREA:  
0.93 ACRES  
22,877 SQUARE FEET

CURRENT SITE ZONING: GC & PSC

PROPOSED SITE ZONING: GC

**BUILDING SETBACK LINES FOR GC:**

FRONT YARD	30 FEET
SIDE YARD	10 FEET
REAR YARD	30 FEET

**SHOPPING CENTER**  
PARKING SUMMARY

	MOBILE	POCKET
REGULAR PARKING	12	12
MAJOR PARKING	2	2
TOTAL PARKING SPACES	14	14

SPACE/100 SF RESTAURANT = 3400 SF

ADDITIONAL

FRONT SETBACK REDUCTION FROM 30 FEET TO 18 FEET

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1999

BEZONING

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SOLID YELLOW STRIPING

US 41 & T 285  
COMPANY  
ZONED: GC-W5

## 1 STORY CONCRETE

[illegible]

100

44

1000

NIG

REVISED

RECEIVED  
NOV 22 2011  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

U.S. HIGHWAY 41 (R/W VARIES)  
(AKA STATE ROUTE 3)  
(AKA COEB PARKWAY)



GRAPHIC SCALE - IN FEET

A horizontal scale bar with markings at 0, 10, 20, 30, and 40 feet.

C:\Ond 3D Professor\1 MIZUNO.dwg\110000 CP.dwg, CONCEPT PLANK Cycles, Nov 21, 2013 - 11:00:17am

**APPLICANT:** US 41 and I 285 Company, Inc.

212-935-1330

**REPRESENTATIVE:** Garvis L. Sams, Jr. 770-422-7016

Sams Larkin & Huff, LLP

**TITLEHOLDER:** US 41 & I 285 Company, Inc.

**PROPERTY LOCATION:** On the north side of Cobb Parkway, east of Akers Mill Road.

**ACCESS TO PROPERTY:** Cobb Parkway and drive from Akers Mill Road

**PHYSICAL CHARACTERISTICS TO SITE:** Parking lot and drive for former Checkers Fast Food Restaurant

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** PSC/Akers Mill Shopping Center

**SOUTH:** NS and GC/Barnes and Noble and Eating/Drinking Establishment

**EAST:** GC/Retail Center

**WEST:** GC/Undeveloped GA DOT corner

**PETITION NO:** Z-48

**HEARING DATE (PC):** 12-05-11

**HEARING DATE (BOC):** 12-13-11

**PRESENT ZONING:** GC, PSC

**PROPOSED ZONING:** GC

**PROPOSED USE:** Restaurant

**SIZE OF TRACT:** 0.55 acre

**DISTRICT:** 17

**LAND LOT(S):** 948

**PARCEL(S):** 5

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 2

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

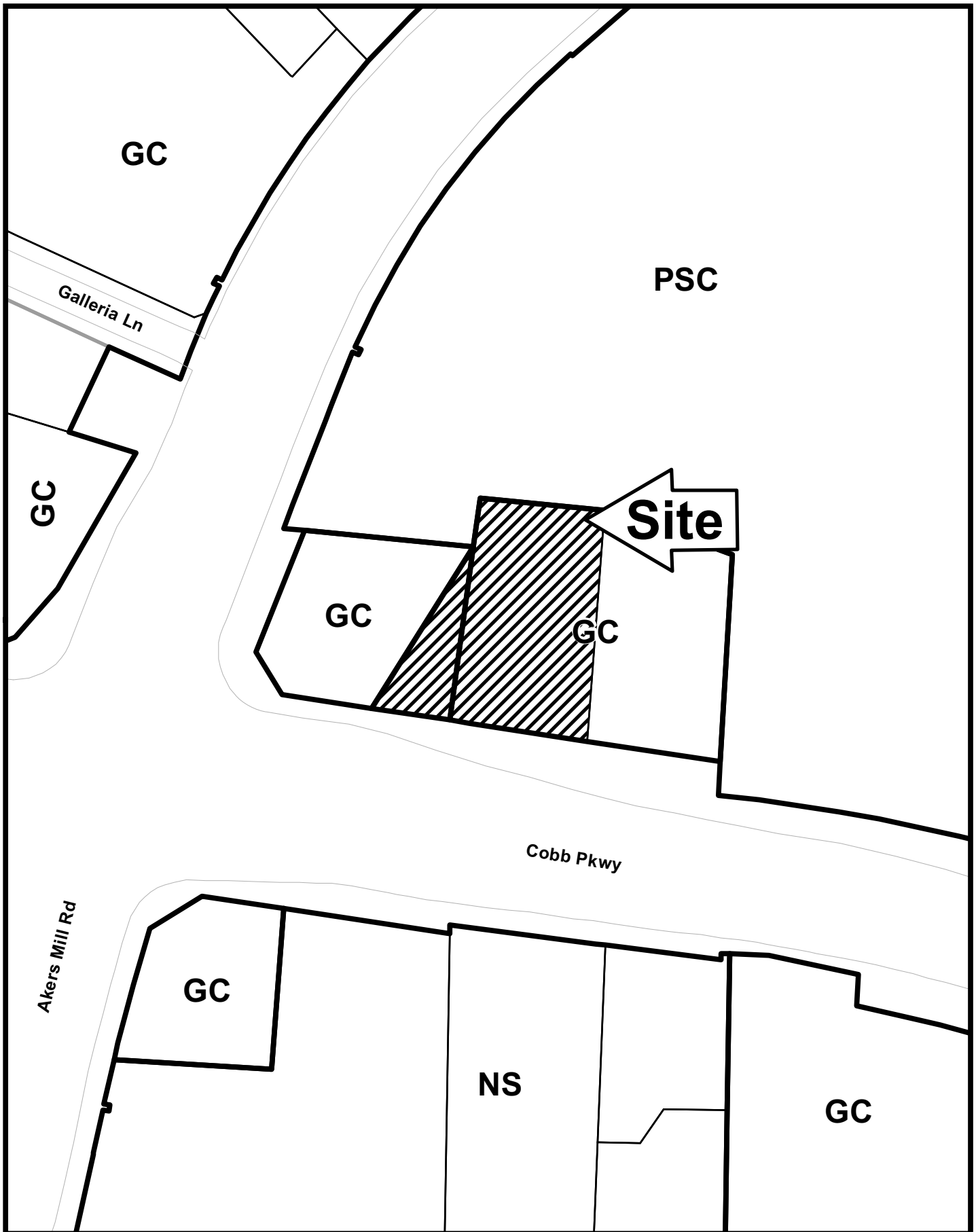
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**



# Z-48



This map is provided for display and planning purposes only. It is not meant to be a legal description.

100 0 100 Feet



City Boundary  
Zoning Boundary

**APPLICANT:** US 41 and I 285 Company, Inc.

**PETITION NO.:** Z-48

**PRESENT ZONING:** GC, PSC

**PETITION FOR:** GC

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

**Land Use Plan Recommendation:** Regional Activity Center

**Proposed Number of Buildings:** 1 **Total Square Footage of Development:** 3,400

**F.A.R.:** 0.14 **Square Footage/Acre:** 6,181

**Parking Spaces Required:** 34 **Parking Spaces Provided:** 34

Applicant is requesting the GC category in order to develop the property for a Zoës Kitchen restaurant. The property was previously a Checkers Fast Food Restaurant and is situated along the Cobb Parkway road frontage at Akers Mill Shopping Center. Applicant's proposal is for a 2,605 square-foot restaurant that will also have 795 square feet of outdoor patio dining. As noted in the applicant's stipulation letter dated November 9, 2011, the proposed restaurant will be a modern, casual restaurant concept. Zoës Kitchen currently has 46 locations across the United States in 12 states, with two locations in the Atlanta area. The hours of operation will be Sunday through Thursday from 10:30 a.m. to 9 p.m. and Friday and Saturday from 10:30 a.m. until 10 p.m.

Applicant is also requesting a contemporaneous variance to allow a reduction in the front setback from 50 feet to eight feet (consistent with the positioning of other restaurant and retail buildings along the Cobb Parkway Corridor).

**Historic Preservation:** After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

**Cemetery Preservation:** No comment.

\*\*\*\*\*

**FIRE COMMENTS:**

**NO COMMENTS:** After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review stage.

APPLICANT US 41 and I285 Company, Inc.

PETITION NO. Z-048

PRESENT ZONING GC, PSC

PETITION FOR GC

\*\*\*\*\*

**WATER COMMENTS:**

NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development: ☒ Yes ☐ No

Fire Flow Test Required: ☒ Yes ☐ No

Size / Location of Existing Water Main(s): ***12" DI / N side Cobb Parkway***

Additional Comments: Can be served by SC master meter

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

\*\*\*\*\*

**SEWER COMMENTS:**

NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin: ☒ Yes ☐ No

At Development: ☐ Yes ☒ No

Approximate Distance to Nearest Sewer: ***1700' SE in Riverwood Parkway***

Estimated Waste Generation (in G.P.D.): **A D F= 260.5 Peak= 651.25**

Treatment Plant: **Sutton**

Plant Capacity: ☒ Available ☐ Not Available

Line Capacity: ☒ Available ☐ Not Available

Projected Plant Availability: ☒ 0 - 5 years ☐ 5 - 10 years ☐ over 10 years

Drw Sewers Required: ☐ Yes ☒ No

Off-site Easements Required: ☐ Yes\* ☒ No \*If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required: ☐ Yes ☒ No

Letter of Allocation issued: ☐ Yes ☒ No

Septic Tank Recommended by this Department: ☐ Yes ☒ No

Subject to Health Department Approval: ☐ Yes ☒ No

Additional Comments: Recommend that the development be served by shopping center private water/sewer with agreement

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: US 41 and I-285 Company, Inc.

PETITION NO.: Z-48

PRESENT ZONING: GC, PSC

PETITION FOR: GC

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<b>DRAINAGE COMMENTS</b>
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FLOOD HAZARD: ☐ YES ☒ NO ☐ POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Chattahoochee River FLOOD HAZARD INFO: Zone X

- ☐ FEMA Designated 100 year Floodplain Flood.
- ☐ Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- ☒ Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- ☐ Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: ☐ YES ☐ NO ☐ POSSIBLY, NOT VERIFIED

Location:

- ☐ The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: ☐ YES ☒ NO ☐ POSSIBLY, NOT VERIFIED

- ☐ Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- ☐ Chattahoochee River Corridor Tributary Area - County review (\_\_\_\_\_ undisturbed buffer each side).
- ☒ Georgia Erosion-Sediment Control Law and County Ordinance - **County Review**/State Review.
- ☐ Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- ☐ County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- ☐ Potential or Known drainage problems exist for developments downstream from this site.
- ☒ Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- ☒ Minimize runoff into public roads.
- ☐ Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- ☐ Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- ☐ Existing Lake Downstream  
Additional BMP's for erosion sediment controls will be required.
- ☐ Lake Study needed to document sediment levels.
- ☐ Stormwater discharges through an established residential neighborhood downstream.
- ☒ Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream receiving system.

APPLICANT: US 41 and I-285 Company, Inc.

PETITION NO.: Z-48

PRESENT ZONING: GC, PSC

PETITION FOR: GC

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DRAINAGE COMMENTS CONTINUED
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SPECIAL SITE CONDITIONS

- ☐ Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- ☒ Submit all proposed site improvements to Plan Review.
- ☐ Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- ☐ Structural fill \_\_\_\_\_ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- ☐ Existing facility.
- ☒ Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- ☐ Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- ☐ Calculate and provide % impervious of project site.
- ☐ Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- ☐ No Stormwater controls shown \_\_\_\_\_
- ☐ Copy of survey is not current - Additional comments may be forthcoming when current site conditions are exposed.
- ☐ No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. This majority of this site drains to the southeast to the right-of-way of US Highway 41. The proposed underground detention facility must be tied directly to the existing system.

**APPLICANT:** US 41 and I 285 Company, Inc. **PETITION NO.:** Z-48

**PRESENT ZONING:** GC, PSC **PETITION FOR:** GC

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<b>TRANSPORTATION COMMENTS</b>
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The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Cobb Parkway	28600	Arterial	45 mph	Georgia DOT	110'

*Based on 2005 traffic counting data taken by Cobb DOT (Cobb Parkway)*

**COMMENTS AND OBSERVATIONS**

Cobb Parkway is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

**RECOMMENDATIONS**

Recommend applicant coordinate with Georgia Department of Transportation prior to development plan approval to ensure compatibility with the SR3/ US 41 Cobb Parkway project, project number STP00-0001-05(47).

Recommend Cobb Parkway driveway be converted to a right in only driveway subject to GDOT approval.

Recommend GDOT permits for all work that encroaches upon State right-of-way.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.



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## **STAFF RECOMMENDATIONS**

### **Z-48 US 41 AND I 285 COMPANY, INC.**

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. Nearby properties are zoned and used for restaurant, retail and office uses.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The subject property has been used as a restaurant in the past, and nearby properties are similarly zoned and have commercial/retail/restaurant uses.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Regional Activity Center (RAC) land use category. The General Commercial (GC) zoning category is appropriate with the land use plan and consistent with neighboring zoning districts.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The property has been used for a fast food restaurant in the past. The current proposal is for a sit-down dining restaurant and is a permitted use under the requested GC zoning category and the GC zoning category is also compatible with the land use plan. The proposed use is comparable to other commercial ventures in this vicinity of the Cumberland-Galleria Regional Activity Center.

Based on the above analysis, Staff recommends APPROVAL subject to the following conditions:

- Revised site plan received by the Zoning Division on November 22, 2011, with the District Commissioner approving minor modifications;
- Attached renderings and elevations received by the Zoning Division on November 9, 2011;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations; and
- DOT comments and recommendations

**The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.**

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Dec. 2011

## Summary of Intent for Rezoning\*

.....  
Part 1. Residential Rezoning Information (attach additional information if needed)

Proposed unit square-footage(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed building architecture: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed selling prices(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

a) List all requested variances: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

.....  
Part 2. Non-residential Rezoning Information (attach additional information if needed)

a) Proposed use(s): Zoës Kitchen Restaurant  
\_\_\_\_\_

b) Proposed building architecture: Attached as an Exhibit to the Application for Rezoning  
\_\_\_\_\_

c) Proposed hours/days of operation: Sunday through Thursday, 10:30 a.m. to 9:00 p.m.,  
Friday and Saturday, 10:30 a.m. to 10:00 p.m.  
\_\_\_\_\_

d) List all requested variances: Reflected on Site Plan  
\_\_\_\_\_  
\_\_\_\_\_

.....  
Part 3. Other Pertinent Information (List or attach additional information if needed)

The subject property, formerly utilized as a Checkers Fast Food Restaurant, within the  
Cumberland-Galleria Regional Activity Center under the Cobb County Future Land Use  
Map.  
\_\_\_\_\_  
\_\_\_\_\_

.....  
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?  
(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a  
plat clearly showing where those properties are located.)

N/A  
\_\_\_\_\_  
\_\_\_\_\_

\*The applicant reserves the right to amend the Summary of Intent for Rezoning and the preliminary information provided therein at any time during the rezoning process.

**ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION  
OF US 41 and I 285 COMPANY, INC.**

COMES NOW, US 41 and I 285 COMPANY, INC., and, pursuant to §3-28-8.1(7) of the Cobb County Zoning Ordinance, files this its Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings along this section of the U. S. Highway 41 (Cobb Parkway) Corridor.
- B. The zoning proposal will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties, the totality of which are commercial developments.
- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. Additionally, the present owners of the subject property are suffering a significant economic detriment by virtue of the continuation of the present zoning classification of PSC.

- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools.
- E. The zoning proposal is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map with the subject property lying and being in a Regional Activity Center (RAC).
- F. There is no substantial relationship between the existing zoning classification of PSC which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this section of the U. S. Highway 41 (Cobb Parkway) Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 6th day of October, 2011.

SAMS, LARKIN & HUFF, LLP

By: 

GARVIS L. SAMS, JR.  
Attorney for Applicant  
Ga. Bar No. 623950

SAMS, LARKIN & HUFF  
A LIMITED LIABILITY PARTNERSHIP

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JUSTIN H. MEEKS

SAMSLARKINHUFF.COM

November 9, 2011

**VIA E-MAIL**  
**and HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
Zoning Division  
1150 Powder Springs Road  
Suite 400  
Marietta, GA 30064



Re: Application of U S 41 & I 285 Company, Inc. to Rezone a  
0.55 Acre Tract from GC & PSC to GC (No. Z-48)

Dear John:

As you know, this firm represents US 41 & I 285 Company, Inc. concerning the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on December 5, 2011 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on December 13, 2011.

The Applicant seeks a rezoning of the subject property from General Commercial (GC) and Planned Shopping Center (PSC) to GC in order to consolidate the Zoning Districts into one (1) district and for the purposes of constructing a Zoës Kitchen Restaurant. The subject property is located in an area under Cobb County's Future Land Use Map which is designated as a Regional Activity Center (RAC) and within a sub-area within the RAC which contemplates restaurants and retail utilization.

Zoës Kitchen, a modern, casual restaurant concept, was founded in 1995 and has forty-six (46) retail locations across the United States in twelve (12) states. Zoës' menu features Mediterranean-inspired food with made-from-scratch recipes using fresh ingredients. Thus far, Zoës Kitchen has followed a strategically aggressive growth model while maintaining its success by serving homemade food with fresh ingredients. Zoës Kitchen presently has two (2) restaurants in the Atlanta area which are located in North Buckhead and Peachtree Battle.



**VIA E-MAIL**

**and HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
Zoning Division  
November 9, 2011  
Page 2

With respect to the foregoing, since filing the Application for Rezoning on October 6, 2011, we have established a dialogue with the County's Professional Staff and have also been in contact with area business and property owners within the Cumberland Galleria area. In that regard, I have been authorized by our client to submit this letter of agreeable stipulations which, if the Application for Rezoning is approved as submitted, shall become conditions and a part of the grant of the requested Rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, to-wit:

1. The stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.
2. Rezoning of the subject property shall be from GC & PSC to GC in substantial conformity to that certain Rezoning Site Plan prepared by Travis Pruitt Associates, Inc. which was submitted contemporaneously with the Application for Rezoning.
3. The total site area of the subject property consists of 0.55 acres which is proposed to be developed as a Zoës Kitchen restaurant. However, if the closing for that specific restaurant does not occur then, and in such an event, the property shall remain entitled for restaurant and retail utilization subject to review by the District Commissioner.
4. The architectural style and composition shall be in substantial conformity with architectural renderings/elevations and floor plan being submitted contemporaneously herewith or in substantial conformity to subsequent architectural renderings/elevations reviewed and approved by the District Commissioner.
5. Entrance signage shall be ground-based, monument style signage with finish, materials and colors being in substantial conformity to the architectural style as aforementioned.
6. Lighting within the proposed development shall be environmentally sensitive and appropriately spaced for safe lighting purposes.
7. Minor modifications to the within stipulations/conditions, site plan, lighting, landscaping, architecture and site features may be approved by the District Commissioner as needed or necessary.



**VIA E-MAIL  
and HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
Zoning Division  
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8. All setbacks may be penetrated for purposes of detention, utilities and stormwater management as long as such encroachments satisfy Cobb County Regulations.
9. An agreement to comply with Cobb County Development Standards and Ordinances related to project improvements except as approved by the Board of Commissioners, the Cobb County Department of Transportation or the Cobb County Community Development Agency as their respective authorities may allow.
10. The hours of operation shall be Sunday through Thursday from 10:30 a.m. to 9:00 p.m. and Friday and Saturday from 10:30 a.m. until 10:00 p.m.
11. Compliance with the recommendations from the Stormwater Management Division with respect to the location, configuration and methodology of water quality and on-site detention.<sup>1</sup>
12. With respect to the proposed development, the Applicant seeks a rezoning to GC and the following contemporaneous variances to the GC Zoning District:
  - a. A reduction in the front setback from fifty feet (50') to eight feet (8') (consistent with the positioning of other restaurant and retail buildings along the Cobb Parkway Corridor).
  - b. A reduction in the landscape strip to one foot (1') in order to allow the construction of a patio.
13. Compliance with recommendations from the Cobb County Water System with respect to the availability and capacity of water and sewer.<sup>2</sup>
14. An agreement that there shall be no outside storage as such term is used and defined in the Cobb County Zoning Ordinance.

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<sup>1</sup> Although not specifically shown on the site plan, stormwater detention and water quality issues will be addressed with underground detention located within the designated parking area.

<sup>2</sup> The proposed project will be tied into the private sewer system and water lines within the adjacent shopping center.

**VIA E-MAIL**

**and HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
Zoning Division  
November 9, 2011  
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The subject property, formerly utilized as a Checkers fast food restaurant and as a Krispy Kreme, is located within the Cumberland-Galleria Regional Activity Center under Cobb County's Future Land Use Map. The proposed use is entirely appropriate for the subject property particularly considered in the context of development in which the subject property is situated.

Please do not hesitate to call should you require any additional information or documentation prior to the formulation of your Zoning Analysis and Staff Recommendations. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.  
[gsams@samslarkinhuff.com](mailto:gsams@samslarkinhuff.com)

GLSjr/brl  
Enclosures

cc: Shown next page.

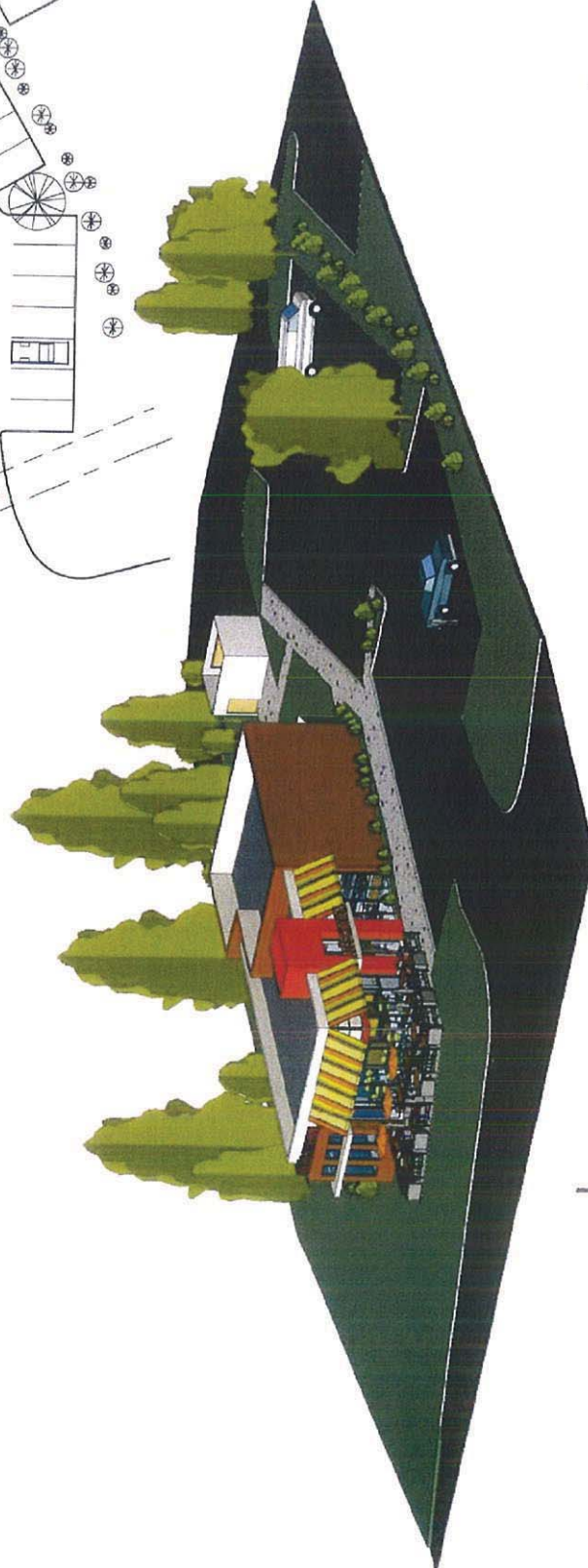
**VIA E-MAIL**


**and HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
Zoning Division  
November 9, 2011  
Page 5

cc: Members, Cobb County Board of Commissioners – VIA E-Mail w/ attachments and  
Hand Delivery w/ enclosures  
Members, Cobb County Planning Commission – VIA E-Mail w/ attachments  
Mr. Robert L. Hosack, Jr., AICP, Director, Community Development Agency  
– VIA E-Mail w/ attachments and Hand Delivery w/ enclosures  
Mr. Dana Johnson, AICP, Planning Manager – VIA E-Mail w/ attachments and Hand  
Delivery w/ enclosures  
Mr. Jason Campbell, Planner III – VIA E-Mail w/ attachments and Hand Delivery w/  
enclosures  
Ms. Jane Stricklin, P.E. – VIA E-Mail w/ attachments  
Mr. Dave Breaden, P. E. – VIA E-Mail w/ attachments  
Ms. Karen King, Assistant County Clerk – VIA E-Mail w/ attachments  
Ms. Lori Presnell, Deputy County Clerk – VIA E-Mail w/ attachments  
Mr. Peter J. Andresen, Director of Development, Mall Properties, Inc. – VIA E-Mail w/  
attachments  
Mr. Joseph Kopcio, Construction Manager, Mall Properties, Inc. – VIA E-Mail w/  
attachments  
Mr. David Blumenthal, P.E., LEEP AP, Travis Pruitt & Associates– VIA E-Mail w/  
attachments







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# SK-13.1

REF: SHEET NO.  
07/28/11

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**Z-48  
(2011)**

## Zoës Kitchen - Cumberland

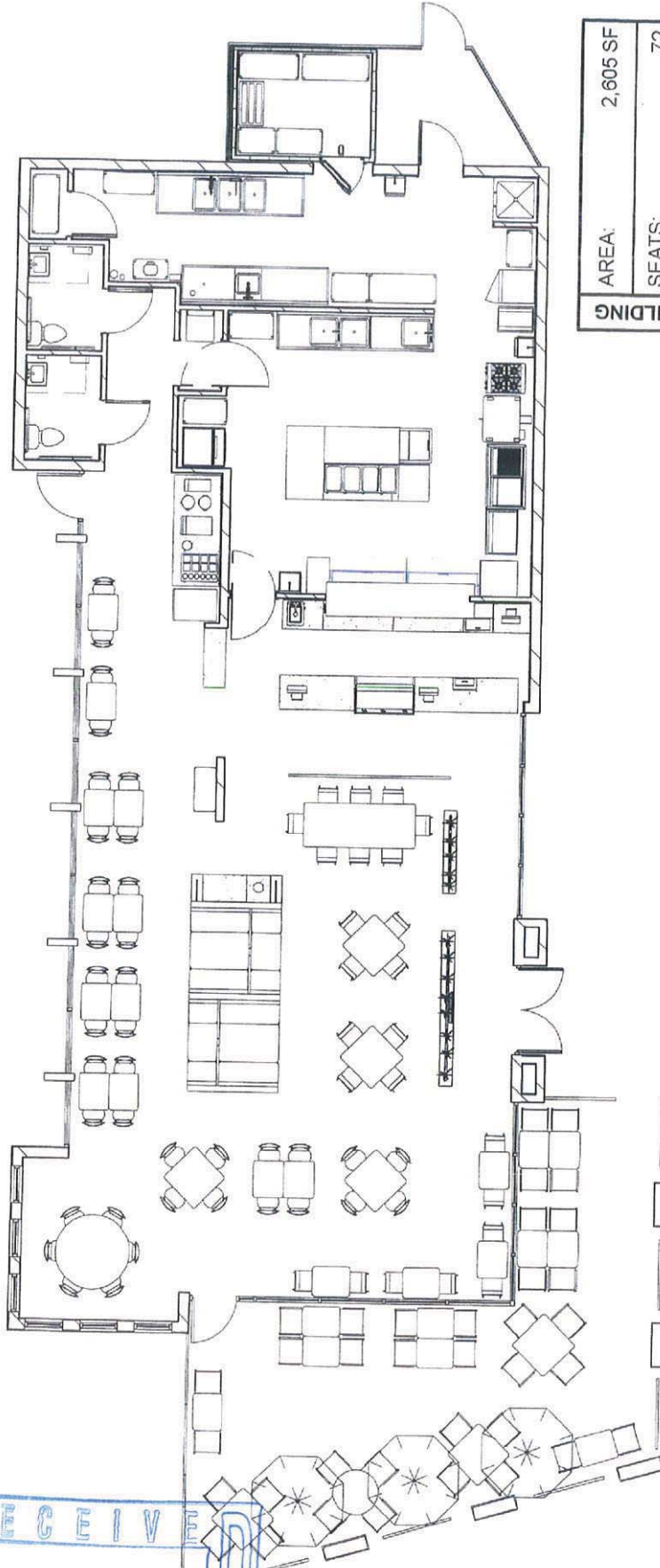
### Site Views - Option 1

Z-48  
(2011)

# SK-13.2

REF: SHEET NO.  
07/28/11

Tobin Starr + Partners, PLLC 2010



1 OPTION 1 - PLAN  
SK-13.2 3/32" = 1'-0"

BUILDING	AREA: 2,605 SF
	SEATS: 72
	TABLES: 26
PATIO	AREA: 589 SF
	SEATS: 36
	TABLES: 14
TOTAL	SEATS: 108
	TABLES: 40

## Zoës Kitchen - Cumberland

### Floor Plan - Option 1

RECEIVED  
NOV 9 2011  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION



Tobin Starr + Partners  
1523 Elizabeth Avenue, Suite 210  
Charlotte, NC 28204  
V: 704.377.5200 F: 704.377.5201  
www.tobinstarr.com



Z-48  
(2011)

SK-13.3

REF: SHEET NO.  
07/28/11

Tobin Starr + Partners Project  
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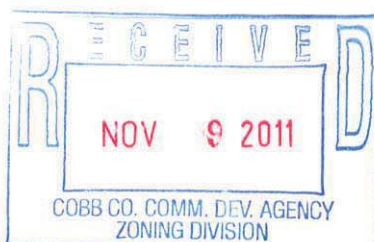
## Zoës Kitchen - Cumberland

3D Views - Option 1



Tobin Starr + Partners

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MELISSA P. HAISTEN  
JUSTIN H. MEEKS

November 22, 2011

**VIA E-MAIL and HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
Zoning Division  
1150 Powder Springs Road, Suite 400  
Marietta, GA 30064



Re: Application of U S 41 & I 285 Company, Inc. to Rezone a  
0.55 Acre Tract from GC & PSC to GC (No. Z-48)

Dear John:

You will recall that this firm represents U.S. 41 & I-285 Company, Inc. concerning the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Planning Commission and Board of Commissioners during the December rezoning cycle. Previously, on November 9, 2011, we submitted a letter of agreeable stipulations/conditions. Since that time my engineer and I met last week on the site with Planning Commissioner Mike Terry in whose district the subject property is located.

The meeting with Mr. Terry went well and we were able to respond to the questions and/or issues which we discussed with him. In that regard, Mr. Terry expressed some reservations he had with respect to the reduction in the landscape strip to one foot (1') in order to allow the construction of a patio. We agreed to consult with our clients to determine if the building could be moved back on the site so that the necessity for the landscape strip variance would be obviated. As it turns out, our engineers were able to move the building and do so in a manner that did not impinge upon the interior operational aspects of the site. To that end, enclosed please find the requisite number of copies of a revised site plan which eliminates the need for the landscape strip variance request, leaving only one revised request for a contemporaneous variance which is a reduction of the front setback from fifty feet (50') to sixteen feet (16'). As you know, that distance is consistent with the positioning of other restaurants and retail buildings along this section of the Cobb Parkway Corridor.

In addition to the foregoing, you will note that the revised site plan provides a better understanding of the manner in which the site will be landscaped and the manner in which components of the proposal (ground-based, monument-style signage, the dumpster, parking and the patio) will be incorporated into the landscape plan and site plan. All of the stipulations/



VIA E-MAIL and HAND DELIVERY

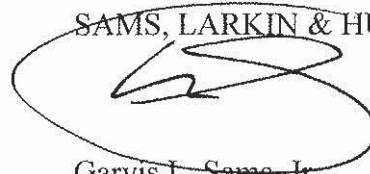
Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
Zoning Division  
November 22, 2011  
Page 2

conditions set forth in the November 9, 2011 letter shall remain in full force and effect except where in conflict with the revised site/landscape plan.

I trust that this submission will be helpful to you and the staff in the formulation of your Zoning Analysis and recommendations. However, please contact me should you need additional information or documentation. With kind regards and best wishes for the Thanksgiving holiday season, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.  
[gsams@samslarkinhuff.com](mailto:gsams@samslarkinhuff.com)

GLS, Jr./dsj

Enclosures/Attachment

cc: Members, Cobb County Board of Commissioners – VIA E-Mail w/ attachment and Hand Delivery w/ enclosure  
Members, Cobb County Planning Commission – VIA E-Mail w/ attachment  
Mr. Robert L. Hosack, Jr., AICP, Director, Community Development Agency – VIA E-Mail w/ attachment and Hand Delivery w/ enclosure  
Mr. Dana Johnson, AICP, Planning Manager – VIA E-Mail w/ attachment and Hand Delivery w/ enclosure  
Mr. Jason Campbell, Planner III – VIA E-Mail w/ attachment and Hand Delivery w/ enclosure  
Ms. Jane Stricklin, P.E. – VIA E-Mail w/ attachment  
Mr. Dave Breaden, P. E. – VIA E-Mail w/ attachment  
Ms. Karen King, Assistant County Clerk – VIA E-Mail w/ attachment  
Ms. Lori Presnell, Deputy County Clerk – VIA E-Mail w/ attachment  
Mr. Peter J. Andresen, Director of Development, Mall Properties, Inc. – VIA E-Mail w/ attachment  
Mr. Joseph Kopcio, Construction Manager, Mall Properties, Inc. – VIA E-Mail w/ attachment  
Mr. David Blumenthal, P.E., LEEP AP, Travis Pruitt & Associates– VIA E-Mail w/ attachment